

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

RONNIE J. UYLAKI  
BRENDA S. UYLAKI

Debtors

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CASE NO. 05-42365

**DECISION**

At Fort Wayne, Indiana, on June 15, 2006.

In this chapter 7 case, Fifth Third Mortgage Company has filed a motion for relief from the automatic stay of § 362(a) and for the abandonment of its collateral from the bankruptcy estate. All creditors and parties in interest have been given notice of both the motion and the opportunity to object thereto and no objections have been filed within the time required - with the exception of an objection from the debtors. That objection is the subject of this decision.

The court notes that a discharge was entered in this case on February 13, 2006. Doing so terminated the automatic stay as to all actions except those against property of the bankruptcy estate. See, 11 U.S.C. § 362(c)(1), (2)(C). Consequently, the only reason that the property subject to the creditor's lien continues to be protected by the automatic stay is because it remains property of the bankruptcy estate. See, 11 U.S.C. § 362(a)(3), (4). As to that issue, however, the court has previously determined that a chapter 7 debtor lacks standing to object to the abandonment of property from the bankruptcy estate. See, Matter of Drost, 228 B.R. 208 (Bankr. N.D. Ind. 1998). Since the debtor lacks standing to object to abandonment, once that part of the creditor's request is granted, the last vestiges of the automatic stay will be eliminated. Under these circumstances, there is no reason to give further consideration to the debtor's objection.

Debtors' objection to the motion for relief from stay and abandonment filed on behalf of Fifth

Third Mortgage Company is overruled,<sup>1</sup> and that motion should be granted. An order doing so will be entered.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court

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<sup>1</sup>Additionally, debtors are represented by counsel in this case and Bankruptcy Rule 9001(a) requires that every petition, written motion and other paper...shall be signed by at least one attorney of record... An unsigned paper shall be stricken unless omission of the signature is correct promptly after being called to the attention of the attorney or party. Fed.R.Bankr.P.Rule 9011(a)(Emphasis added.).